

Abstract

The development of genetically engineering human beings for reproductive cloning obstructs and creates a crisis and chaos of the moral and legal standing of humanity.

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Human cloning is one of the most chaotic developments in contemporary society. This paper argues the overall sentiments held by individuals of various backgrounds of human reproductive cloning. In several instances human cloning has presented itself, as an 'old being revisited' and as such remains hotly debated. By identifying the arguments for and against cloning and examining the moral and legal implications on society, it will become evident that there appears to be unrest, uncertainty and more questions than answers to its appropriate usage. The success of cloning in animals like Dolly is not enough to warrant the same success for humans. Philosophical questions such as: 'why should the science fraternity be granted the permission to do this?' provides an understanding into the crisis and chaos cloning causes. Owing to the fact that human reproductive cloning may become our reality, there needs to be a safeguard for likely adverse outcomes of this venture. Although there has been advancement in human reproductive cloning, it creates a threat to the moral and legal standing of humanity.

Oral Paper Presentation

Human beings have been ambivalent about potential future of cloning in its various forms, especially that of human reproductive cloning and its possible effects on the human society. In this paper an attempt will made to defend the position that genetically engineering humans for reproductive cloning obstructs and creates a crisis on the moral and legal standing.

Advocates of cloning argue that it is good for several reasons. Members of the United States President's Council have described the arguments presented on ethics as 'focusing only on a relatively narrow silver of the goods and principles involved (Kass, 2002). Nonetheless, it does not take away from the validity of some of the arguments presented, quite ironically, they all appeal to the most meaningful of society's shared values.

One argument is to produce children that are biologically related. There often are times when couples suffer from fertility problems where the female's eggs are giving problems or where the man's sperm count is too low, but they still can produce children that are biologically related through cloning. In this instance cloning could still allow both to have children biologically related to them. Couples with this problem could also avoid using a surrogate mother or donor gametes, avoiding altogether raising children with genetic makeup outside of their own.

This is in keeping with Nelkin and Lindee's position on the manner on the matters as they say that it is right for the infertile mother. They support cloning primarily on basis the couple or more specifically the female or the mother has the reproductive right to decide if she wants to clone a child. Callahan reiterates that procreation is a purely private right to morally judge the manner in which a couple wishes to have children is up to them. It is not for the state or government to intervene. If it is that it makes the parties involved happy and it does no harm to the environment, or to the health of the mother and the prospective child, it should not be halted.

It should be borne in mind too that the cloning of the human could allow couples who are likely to produce children with genetic disease to have healthy children. Both parents could be carriers of one copy of a recessive gene for a heritable disorder. The procedure could come to rescue and provide them with the opportunity to ensure that the child does not inherit the genetic disorder without having to resort to using donor gametes as with the case of cloning to produce biologically related children (Genomics and World Health, 2001).

We have to admit that this is a justifiable argument in that the goal of reproduction is to produce an offspring that shared traits may be carried on. It is for this reason that adoption is not an alternative for the couple because the adopted child more than likely has nothing in common where features are connected and if they happen to bear a slight resemblance it is purely coincidental and not genetic. Adoption was viable when there was no alternative to having a child the conventional way, through sexual intercourse. Now science has embarked on a groundbreaking venture wherein that which couples longed for is now a possibility.

Human reproductive cloning can also be used to obtain rejection proof transplants. This is somewhat similar to utilizing it to avoid the transference of genetic diseases or disorders. It could provide ideal transplant donors for persons who are sick and/or dying. In the case of a child or adult needing a kidney and there is no genetic match to be found, cloning could serve the human good of being a new life and saving one that already exists. Therefore, this may be seen as the pragmatic approach to human cloning. We recognize that through this initiative the problem of infertility in the context of what is possible is in fact achievable. We should not mistake this stance as supporting cloning simply for 'making a bay'. It goes beyond that. Reproductive cloning as it stands is not fully utilizing the pragmatic approach. Instead problems are being created. There is the creation of children and of problems and the absence of a safety net. The culture of reproduction over the years was one that was understood. Cloning presents a culture quiet unfamiliar to all involved. If it understood as in the days of old, cloning is on its way to being a successful undertaking, but it has to be understood and the necessary precautions taken.

Replications of a dead or dying loved one is another reason presented for human cloning. A family may have been involved in a terrible freak accident where the couple's only daughter is dying. The couple may then decide that the best way to deal with the situation is to clone the dying child, which would allow the couple to preserve that connection so that they may create a new life as an answer to tragedy of the child's 'untimely death'. This would be possible for the reason that, in cloning, live cells are used.

Human cloning may be useful for reproducing individuals of great genius, talent or beauty, to do this would prove beneficial to families and the society at large. This is owing to the fact that the traits of beauty, genius and talent are a result of the social construction of some, if not all, societies and so are viewed as desirable traits. The admirers of great musicians, athletes, professors and the like believe that these attributes are the result of genetic endowment, which is extraordinary. If cattle's corn can be bred or injected to produce champion meat in the case of cow or corn of a superior quality, cloning to produce children can then be employed to perpetuate 'superior' humans.

Bearing in mind that the thesis is against human cloning or cloning to produce children, the arguments presented are by far more numerous than the arguments supporting it. To begin the discussion, the safety of the cloning procedure and the health of the participants will come to the fore. These concerns raised are if nothing at all, unanimously shared (Kass, 2002). Additionally, they speak directly to concerns about harming the innocent participants, the protection of human rights and ensuring the consent of research subjects. As with all scientific ventures, experiments would have to be undertaken to determine its success, the egg donor, the mother and the child to be, would all have to be seriously considered.

Anything could go wrong during the procedure, for the strenuous circumstance the clone is being created under is not full proof. The baby clone could experience premature aging, which they have not been able to prevent or correct successfully. The life span of this creation is for this reason shortened and remains questionable and this can only be seen as exploitation and destruction of nascent life created specifically for the purpose of research. There is the risk of the mother's future reproductive capacity caused by the hormonal treatments that are required for egg retrieval and the general health risks being interrupted from the super ovulation. Studies show that late fetal losses may lead to increased maternal morbidity and mortality (Lee, 1991). Consequently, reproductive cloning of humans would undoubtedly lead to the health risk of both fetus or infant and mother, leading to associated psychological risks for the mother because of a spontaneous abortion, still birth of a child with severe health problems. Kass postulates, "it is not all clear to what extent a clone will truly be a moral agent" (27). Is the clone to be thought of as truly being human, being moral and having its own personal identity? In defense of the clone many reiterate that a person is a person regardless of how s/he came into existence either by cloning or the other (Iglesias, 2004).

Isenberg made a very important statement pointing out that wide scale cloning could terribly disrupt the gene pool. Why would 'man' go out of his way to do this?

Science is factual and we have clung to this based on the tests that have been carried out. But it can be argued nonetheless that science can be unpredictable as well. All that cloning would do is select that we successful in the past, but what of the future? It is a known fact that the human being is a complex being.

It took our lifetime to begin to understand the workings of man and we still have not mastered all, this is with regard to biology and psychology. With each day that passes more is being learnt. It would take another lifetime to understand the clone and the mechanics surrounding it. If we should think long and hard about the matter we would realize that not only has humanity not come to full omniscience but also not omnipotence. Of all the things in the world, the human being is most complex, what they should do is invest their time and energy in understanding it and leave the harder things to the one who created all of it.

Imagine an argument for cloning. If God did not want it to happen it would not have allowed it. A fallacy is being committed. This argument presented by Silver is horribly illogical and presents no more reason for the acceptance of cloning. Unlike Silver, Eisenburg realizes the complications of cloning on human society which would inevitably affect the moral order which is by far of the utmost importance in truly assessing cloning; this is further evidenced in his looking at the environmental complications (65).

In the arguments for human cloning it was stated that individuals might be created of great genius, talent or beauty, heralding a new eugenics. This can be examine from two accounts, the first being that in order to produce individuals of this caliber their environments would have to be simulated from birth onward. But this in itself is difficult as environments are not static; there is much to work against the clone making this prospect of recreating a genius or whomever impractical. Eugenics refers to the attempt to improve the genetic constitution of a particular community (Lee 1991). In China, the government already regulates this form of procreation in that figures show that in 2000 there was a reported 116 male birth contrasted with 100 female births. This is owing to the widespread use of prenatal sex selection. Eugenics then, could be used privately for

enhancement purposes such as improving the genetic constitution of one's own descendants and of future generations (Kass, 2002). But this practice could prove dangerous to humanity for several reasons. The standard guiding the choices of improvement become questionable.

Who determines these standards? Not the populace but the officials. Human life as we know it could be jeopardized for the unknowable post-human future that would be lurking. We could assume that there would be a dominant race and culture, genetic imperialism on a whole different level. Society would become dysfunctional. Many argue that it is that way now. Many scientist and philosophers like Hume and Harding agree that society or that world on a whole is miserable place, but we cope nonetheless.

In the creation story for those believers of the Judeo-Christian doctrine, God made Adam and Eve and we learnt that he had a purpose for them, to carry out his will. We may not know how long it took for both to be created, but he knew their misgivings even before they came to fruition. Man, on the other hand, is creating without the knowledge of anything. It is just a matter of luck. The next thing to all is that there is always a domino effect or a consequences of actions taken. Man has not gone through the infinite outcomes of this venture; they do not know what the worse case scenario could be because they are so many. They are putting the cart before the horse. Let us say for argument sake that the clone truly is a person, do they regard life that little they are willing to take such risks without remorse. They feel justified to know that may be for a month or a few years the cloned child is fine, then suddenly one day the life that was, becomes a horrific play of science gone terribly wrong. Many at this stage are hurt, the parent to families, friends and most importantly the clone. Cloning simply presents it self as that which was destined for trouble to begin with. It did not get introduced and was later rejected. It was a disaster waiting to happen from the onset.

The question of morality is raised throughout all this. Morality is often times described as a consensus reached in a society as it relates to different activities and standard of behaviour. It evolves as feeling having no formal creation and is subject to change over a period of time (Melanie and Vanstone, 1997). Morals we observe are more

vague because there will be times when there is an evident division on particular issues as it is in the case with cloning for the mentioned uses. Both morality and legality share common ground. They often times intertwine and in some instances are identical, resulting in the relationship between both being quite complex.

The need for deliberation on human cloning would be as much as it is now if the concept of morality was not so problematic. This may be because of the fact that there is no fixed notion of what morality truly is. No one person can claim a moral high ground in arguing that cloning is absolutely wrong. The arguments brought forward would lean more on a subjective rather objective basis including that of the belief in God and as well as other influences. The breach in what is considered moral would inevitably lead to a form of social condemnation calling for the intervention of the state that explains the various legislations implemented against human cloning.

The argument has been that creating a clone so that its tissue can be transplanted to the 'original' person cheapens life making the cloned embryo a means to an end. This makes it most appropriate to mention Kant's moral philosophy, which states we should 'treat people as ends and not means'. Therefore, in keeping with the Kantian view, if a parent is using the cloning technology to have a child for a bone marrow transplant for a sick child of another, it is wrong. To use them as 'means' is simply wrong. We as people could become so desensitized, in that, life would not be as meaningful as it was before. All we will have in mind is that another person could be created with no trouble to serve whatever need at the time, (bearing in mind the technology is full proof).

If the pragmatist approach were applied to cloning, it would be acceptable to the extent that it deals with the practical outcome of the action. This particular theory is one of the action and progress. It provides for the genuine efficiency of will and as a result makes the individual responsible and a creative factor in enlightening order in contributing to the world. This doctrine makes allowances for the possible realization of one's ideals, for the conditions are present. Our acts are liable in that they can be actualities. The set back is the fact that the possible outcomes of one's actions for the most part are unknown. Promises are being made too soon about the benefits of cloning,

creating false hope among those who think they will benefit from the venture. The total efficiency of cloning cannot be fully supported as it is still under major scrutiny.

David Hume in speaking on morality stated that, “moral excite passions and produce or prevent actions. Reason of itself is utterly impotent in this particular. The rules of morality therefore are not conclusion of reason” (Davis 1997). Our belief systems, it is not set in stone that a particular action is in fact wrong. From the argument presented in favour of cloning to produce children from the various reasons, it may be deduced that the appeals made in defense of it are being made primarily to the categories of human freedom, human existence and well-being or happiness. The use of human freedom in this particular instance does not speak directly to the act of cloning to produce children itself as it appeals more to the acclaimed right to practice it. The defense of cloning on this basis then has two arguments. Western societies are plural in composition, for this the notions of what is good or bad, morally right and immoral are viewed differently by each individual. Upon realizing this, it is in the best interest of the society to protect the individual freedom of the people to choose.

The big question to be asked is is there a difference between the cloned child, the child produced through sexual reproduction, in vitro fertilization or any other means? Although sharing the element of existence differ quite significantly in that the clone's life was manipulated or interfered with in a way that begs the question of the validity of the motivations which would have led to its intervention.

Who does the child truly acknowledge as his/ her parent? This question would be irrelevant to many as the obvious answer would be the progenitor or the gene donor. Without the gene on its own would serve no purpose really, but the process and the calculations and all that goes with it is the cloning of the scientist. Does he not appear as the ‘creator’ of this individual then? In s/he not like ‘God’ or the person truly responsible for us being in existence? What s/he is in fact doing is manipulating life. If this is done continually, or should become a common practice among individuals, life as we know it will have to be redefined to suit the new lifestyle the world would be presented with.

The goodness of well being speaks to the contribution in the instances of the fulfillment of human good. The health of a new born, existing children, reproductive possibilities for the couples experiencing problems and the exciting possibility of having a biologically related child all fulfill the individual needs of humans on a whole. From all indications, cloning to produce children could relieve suffering for a significant number of human beings. In the eyes of some human cloning is a new method for controlling the human race and for self-improvement, allowing parents to have children free of genetic diseases and to have supreme genetic endowments.

But it creates unending problems in that the myth of Pandora's Box would come to fruition. Parents will no longer view their children in the same way as technology and knowledge can manufacture the desirable, or what is considered the ideal. If for example the parent takes the child to be tested for the gene to determine if the child has a higher IQ than his sibling, s/he could decide on this basis to send the brighter one to university because of the financial constraints.

On a legal note, policy makers from the United States President's Council on Bioethics have proposed several policies that place a ban to produce children. It signals that control can be exercised in the use of biotechnology. Thankfully, the laws which exist presently ban cloning for producing children on the grounds that it is a crime against humanity. Allowances, however, are in the laws or policies being made for therapeutic cloning.

If reproductive cloning were in fact right, the heads of government would have to secure and expand the rights and privileges to make the choice. In making their decision they would have to ensure that the choice they have made does not offend or in any way infringe on the rights of other citizens. For instance, the United States proclaimed a principle of reproductive freedom:

If the right to privacy means anything, it is the right of the individual, married or single. To be free from unwarranted governmental intrusion into matters so affecting a person as a decision whether to bear or beget a child (Kass, 2002).

Those in favour of cloning opine that if the risks which by society's judgement are ethically acceptable that mother and fetus could suffer in the event, something wrong, the use of this technology would automatically fall under reproductive freedom. The second defense on the grounds of freedom is that our existence as humans is opened. This suggests that our life is unpredictable or cannot be determined. The mere fact that we remark values, cell phones and aircrafts to name a few, makes all this central to daily lives. It becomes another matter when the life of a human being is taken into account. Machinery and the like do not call for a great deal of moral deliberations, as does human reproductive cloning. The sanctity of life is being brought into question as it can have numerous effects on lives involved. The state and those concerned have to see to it that proponents for reproductive cloning are not co-opting the term 'therapeutic cloning' to claim that employing this technique to create a child for a couple who are unable to conceive through any other means because of infertility is right or legal. It is for this particular reason that the question is asked of how do they draw the line between 'therapeutic cloning' and 'human reproductive cloning' as both employ similar methods.

With a clear distinction being made with the policy of cloning from biomedical research and cloning for children, it will show that the state can exercise a degree of control over the direction and the use of the technology. The exploitation and destruction of nascent life specifically for the purpose of research would be placed under more scrutiny. The United States have not officially made research on the human embryo legal, nor has the United Kingdom, France and Germany, but they will if they take into consideration that it could produce foreign exchange which Asia, Eastern Europe and the North West will profit from.

All this said for the purpose of bringing to light the fact that the benefits would create a disparity in health care from the lesser-developed nations. Also the material benefit is being used to further encourage the full implementation of cloning. If reproductive cloning should really take off, the cost it could incur on poor nations if they were to do it and in the present economic climate, it would be too much to bear. The laws which would result would not be applicable to these nations either.

There is the deeper legal issue to the clone's right to privacy. In all societies medical information is confidential and is protected by law, unless a particular company enquires of the client's medical condition. To illustrate one's point, genetic information is quite predictive of future health and this could potentially stigmatize the affected and be used against him/her by potential employers or insurers as a basis for discrimination. If there are in fact suspicions, persons could be tested for genetic disorders or other reasons without knowing, raising the question of informed consent and confidentiality of genetic information to prevent discrimination and stigmatization. There are no laws to date that would protect the clone in this regard for the main reason that cloning of this sort is illegal.

If there is the case where a clone is living in a particular society and is wronged the state could do nothing to protect him/her. Lenoir (2004) was right in postulating that the definitions for 'life' and 'the living' need to be seriously considered. As it stands the laws cater only to the non-cloned living among us. This too would present new sets of problems for the legislators as the laws would have to be reformulated to the extent that life as we know it would change its meaning. As it stands the clone has a legal status in the world. On this count human cloning should continue to be banned.

Biological warfare and others misuses is another serious consideration given the political climate, particularly in the United States. The current recombination DNA period presents much opportunity for improving the technology of mass destruction, the release of GM organisms or of animals into a community for destruction, the release of GM organisms or of animals into a community for destructive purposes, germ warfare and the misuse of genetics for political gains. Given the world we live in it is only fair that all the possibilities of misuse are brought to light. If cloning does in fact become entirely legal, how will the lawmakers ensure that such happenings do not become a reality? Acts, laws and bills, which are passed at first sight, appear transparent, but there are many ambiguities. The co-opting therapeutic argument for reproductive cloning to treat infertility is a perfect example. Many lives are at risk and it should be in the best interest of the lawmakers to protect and not threaten and danger the society.

Admittedly, the arguments to justify human reproductive cloning weigh heavily on the benefits that humans may derive, however all surrounded at the end of it all with self-interest and what makes one happy or the most pleased. In all, the controversy and chaos of human cloning will never be fully resolved for the reason that the ethical, moral and legal concerns by far outweigh the over-rated benefits. There are far too, many considerations for the clones. He would have to worry about complications in health, premature aging, and social and psychological problems that would inevitably have a domino effect on his well-being making him unable to function properly in his environment unleashing more problems to be dealt with.

Although we had no say in our existence we were brought into an environment conducive to it. The strains and crisis the clone, the mother and by extension the society would undergo is only another unnecessary event we as humanity could do without. If there are complications in birth of someone who came about through sexual reproduction the medical practitioners are able to deal with it the best way they know how. Asexual reproduction, although successful in animals studies, is yet to pass the acid test where human beings are concerned. There is one certain thing from all this, that there are more questions than there are answers and from all counts humanity will not in this lifetime be clear on the issue owing to the fact that it no longer becomes a question of improving health technology, but of moral action that has been put into question, in a way that has never been, as it is presently.

The success of cloning in animals like Dolly is not enough to warrant the same success for human. It took 277 eggs before Dolly existed. Can one imagine 277 human eggs going to waste in experiments? This is indeed the destruction of nascent life. Animals do not have souls, nor are they capable of forming a personal identity. Humans can. The blatant destruction of human life for the sake of improving science then is intolerable. Why should the science fraternity be granted the permission to do this? Human cloning has no place in human society, there are human lives already living and dying the funds that would be taken for this venture could go to improving their lives and others here and now and not to creating a chaos and crisis of a new age. Human reproductive cloning should be banned on all possible counts.

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